

**Jeffrey Blumenfeld**  
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August 5, 2015

**VIA E-MAIL**

Linda Oliver, Esq.  
Administrative Law Division  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

**Re: EB Docket 11-71**

Dear Ms. Oliver:

On July 29, 2015, Warren Havens sent a letter to you, attaching an email to David Senzel to which he invited your attention.<sup>1</sup> In that letter Mr. Havens requested permission to file, within 30 days of grant of his request, a supplemental interlocutory appeal of Memorandum Opinion and Order, FCC 15M-14 (Apr. 22, 2015) by Chief Administrative Judge Richard L. Sippel ("Judge Sippel Order") for certain named entities. In the email to Mr. Stenzel, Mr. Havens noted that he intended to seek new counsel to represent him personally, as well as the companies he manages, in the interlocutory appeal.

We were retained yesterday by Mr. Havens to represent Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, V2G LLC and Skybridge Spectrum Foundation in connection with the above-referenced matter. As you know, while those four entities were named in the Designation Order, they did not participate in the proceeding, but were named in the Judge Sippel Order. We also have been retained to represent Mr. Havens individually in the appeal. We also have been retained to represent Environmental LLC and Verde Systems LLC in the appeal from this point forward. I am separately entering an appearance today to represent Mr. Havens and each of those entities.

By this letter, I am requesting permission to file a supplemental appeal of the Judge Sippel Order 40 days from the date a decision is made to grant this request, on behalf of our above-named clients. We believe that the extension is necessary to permit us to adequately represent the interests of our clients, and is therefore warranted.

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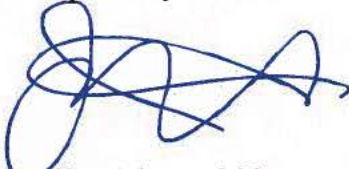
<sup>1</sup> A copy of the letter and attachment are appended here for your convenience.

As you know, this proceeding began with a Designation Order issued in April of 2011. Being new to a long-running proceeding with a docket listing hundreds of filings (even assuming not all are substantive and require review), it is not a trivial task for us to learn the record well enough to represent our clients adequately, particularly in light of the fact that other counsel have lived through the events that generated that record.

The Judge Sippel Order itself is fourteen single-spaced pages, and points to numerous actions and filings – perhaps fifty, at first count – as forming the basis of his Order. We will have to carefully review each point made by Judge Sippel and also will have to review and compare each of the filings, and the transcript of each portion of the hearing, to which he refers. Further, because Judge Sippel selected specific actions and statements from the voluminous record, but not others, we will have to review all of the record – both those actions and statements he selected for comment, as well as those he did not – to understand the full context within which each action was taken and each statement made.

We ask that you grant our request so that we may adequately represent our clients and ensure that their positions are fully and fairly presented.

Respectfully submitted,



Jeffrey Blumenfeld

## **CERTIFICATE OF SERVICE**

The undersigned, an attorney at Lowenstein Sandler LLP, hereby certifies that on this day, August 5, 2015, a copy of the foregoing letter was filed with the Commission, served on the parties listed below via First Class United States Mail, and a courtesy copy was provided via electronic email.

The Honorable Richard L. Sippel  
[Richard.Sippel@fcc.gov](mailto:Richard.Sippel@fcc.gov)  
Chief Administrative Law Judge  
Federal Communications Commission  
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Washington, D.C. 20554

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Dated: August 5, 2015



Hilla Shimshoni

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Telesaurus Holdings GB LLC | Intelligent Transportation & Monitoring Wireless  
LLC | V2G LLC | Skybridge Spectrum Foundation | Environmental LLC |  
Verde Systems LLC | Warren Havens

July 29, 2015

*Via email*

Linda Oliver  
Associate General Counsel  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington DC 20554

Re: EB Docket 11-71, DA 15-796

Dear Ms. Oliver,

Please see the attachment hereto: email between David Senzel of your office and the undersigned, Warren Havens. For reasons explained in the attachment,<sup>1</sup> for the entities indicated therein (the first four listed above)<sup>2</sup> as well and for myself, I request permission to file an interlocutory appeal supplement within 30 days of grant of this request, if granted, in accord with your letter dated July 8, 2015 addressed to Dana Frix, Esq., DA 15-796. If this request is granted, then as I note in the attachment, I request the same deadline for ENL-VSL. I am submitting this as soon as practical, given that these entities (that are distinct from ENL-VSL, and have different interests in this docket), were not active parties in docket 11-71 but are subject to the Order and thus needed to arrange appropriate counsel in the DC area for the appeal.

Respectfully,



Warren Havens

Cc:  
Parties in Docket 11-71  
ALJ Richard L. Sippel  
David Senzel, OCG, via email

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<sup>1</sup> I believe that 5 USC §555(b) applies in the circumstance.

<sup>2</sup> As shown in FCC records, I am the President of these entities.

Attachment

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From: Warren Havens <warren.havens@sbcglobal.net>  
To: David Senzel <david.senzel@fcc.gov>  
Cc: Stephanie Kost <stephanie.kost@fcc.gov>; Jimmy Stobaugh  
<jstobaugh@telesaurus.com>  
Sent: Wednesday, July 29, 2015 12:27 PM  
Subject: Re: Inquiry regarding pending FOIA requests / and related

Mr. Senzel,\*

Thank you for your time on the phone today.  
The following two related matters were discussed.

1. Re FOIA requests related to proceeding 11-71 --

As I noted, I will get back to you on the FOIA matters below. If some of these or aspects of these are no longer of importance to the requesting party/ parties, I will let you know, and will otherwise respond.

On further thought, it would be useful to have to the end of August to respond, due to my and my companies' current schedule and given the substantial task to review these and the FCC responses to date, as well as to tend to the supplemental appeal indicated below.

These FOIA requests relate to proceeding 11-71, the status of which involves an Order of Judge Sippel and interlocutory appeals thereof.

2. Re Interlocutory appeals in 11-71 --

I also noted on the phone that I intend directly or via new counsel to submit to Linda Oliver at your OGC office a request for an extension of the Aug. 8 deadline to file a supplemental interlocutory appeal so that new counsel for myself and companies I manage that are subject of this Order but do not have counsel in the proceeding or this appeal, can get up to speed and file. I will arrange to copy you on this request. The same procedure will be used as used by Mr. Frix in his letter to Linda Oliver dated June 9, 2015 (letter addressed to Ms. Oliver, copied on parties to the proceeding). The time for a supplemental appeal by ENL-VSL would also be extended, under this request, to have one pleading schedule.

I believe that the FOIA requests should have not have been denied (directly denied, or denied to date by non action), and that the denials prejudice the appellants in the interlocutory appeals and in this proceeding prior to the Order. This may be addressed in the supplemental appeal filings, along with any reduction in the requests that appear warranted, indicated above.

Sincerely,

Warren Havens

bcc. Relevant legal counsel involved with companies I manage, including Dana Frix at Chadbourne, and Barry Coburn at Coburn & Greenbaum.

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\* (202) 418-1760

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From: David Senzel <David.Senzel@fcc.gov>  
Date: Tuesday, July 7, 2015 1:29 PM  
To: Warren Havens <warren.havens@sbcglobal.net>  
Cc: Stephanie Kost <Stephanie.Kost@fcc.gov>, Jimmy  
<jstobaugh@telesaurus.com>  
Subject: Inquiry regarding pending FOIA requests

Dear Mr. Havens:

A review of Freedom of Information Act (FOIA) requests currently pending before the Commission indicates that several were filed by you or by Skybridge Spectrum Foundation (FOIA Control Nos. 2015 -042, 043, 073, 103, 132, 159, 205). Additionally, others (FOIA Control Nos. 2014-650, 651, 663, 664) are subject to an application for review. We wish to ascertain whether you remain interested in these requests. If you wish us to continue processing any or all of these requests, please let us know by August 6, 2015, so that we may update the status of these requests accordingly and close out any that you do not wish to pursue.

Thank you for your assistance.

Sincerely,

David S. Senzel  
Attorney  
Office of General Counsel



### Certificate of Service

I certify that on this 29<sup>th</sup> day of July 2015, I caused a copy of the foregoing document to be serviced by the US Postal Service, first class mail, on the following:

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Warren Havens